



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,425	07/11/2003	Paul Dathe	14542	3237

30173 7590 03/14/2006

GENERAL MILLS, INC.
P.O. BOX 1113
MINNEAPOLIS, MN 55440

EXAMINER

SHARMA, RASHMI K

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,425	DATHE ET AL.	
	Examiner	Art Unit	
	Rashmi K. Sharma	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 and 27-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 and 27-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bandolier having individually wrapped food packets must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 8, 11, 12, 13, 18, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746).

Thompson discloses a method and apparatus of providing a food display unit proximate a point of sale (being in a store), providing and stocking individual food items within the food display unit (10), wherein the food display unit is a refrigerator unit, the display unit (10) having at least one shelf (see Figure 1).

Thompson as disclosed above fails to show a dispenser having a cavity and an opening within the food unit adapted to dispense individually wrapped eating utensils and loading a plurality of eating utensils into the dispenser, wherein the eating utensils are in satchels and the satchels are interconnected to form a bandolier, thereby storing the bandolier within the cavity so that a first end of the bandolier is fed through the opening so that the utensils can be dispensed and an attachment device for coupling the housing of the dispenser to the display unit.

Williams does disclose a dispenser having a cavity and an opening adapted to dispense individually wrapped eating utensils (spoons 20) and loading a plurality of

Art Unit: 3651

eating utensils into the dispenser, wherein the eating utensils are in satchels (19) and the satchels are interconnected to form a bandolier, thereby storing the bandolier within the cavity so that a first end of the bandolier is fed through the opening so that the utensils can be dispensed.

Andriash does disclose a dispenser mounted within the food unit (read claim 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add Williams' bandolier to Thompson's shelf as taught by Andriash in order to conveniently provide for the dispensing of coupons, utensils, free food samples, etc. to consumers while shopping.

Claims 4, 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746) and Miller et al. (US Patent number 6,730,348).

Thompson as disclosed above fails to show the food display being a freezer unit.

Miller et al. does disclose a freezer unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Thompson's refrigerator with Miller's freezer depending on what product is being stored within the food display unit.

Claims 5, 6, 15, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746) and Waddell (US Patent number 6,464,104).

Art Unit: 3651

Thompson as disclosed above fails to show the food display being a heated unit and neither a heated nor cooled unit.

Waddell does disclose a heated and non-heated and non-cooled unit (read column 1 lines 5-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Thompson's refrigerator with Waddell's heated, non-heated and non-cooled unit depending on what product is being stored within the food display unit.

Claims 7, 17 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746) and Leski (US Patent number 6,609,687).

Thompson as disclosed above fails to show the food display having a microwave oven.

Leski does disclose a microwave oven with a food display unit (read column 3 lines 9-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add Leski's microwave oven to Thompson's food unit in order to provide for a convenient means of heating the food within the food display unit. Microwave ovens within food display units are extremely well known in the art.

Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US

Art Unit: 3651

Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746) and Torniainen et al. (US Patent number 6,604,646).

Thompson as modified by Williams, as disclosed above fails to show the utensils being forks or sporks.

Torniainen et al. does disclose forks and sporks (read column 13 lines 9-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize forks and/or sporks as taught by Torniainen within William's bandolier, as forks and sporks are commonly interchangeable with other eating utensils.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746) and Soehnlén et al. (US Patent number 6,595,374).

Thompson as disclosed above fails to show the food item being yogurt.

Soehnlén et al. does disclose yogurt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Thompson's milk with yogurt as taught by Soehnlén, depending on what type of product the user wishes to use within the food display.

Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US Patent number 3,282,382) in view of Williams (US Patent number 2,887,247) and further in view of Andriash (US Patent number 4,953,746) and Knoerzer et al. (US Pub. No. 2003/0009989).

Art Unit: 3651

Thompson as modified by Williams as disclosed above, fails to show a bandolier of individually wrapped food packets containing seasoning or toppings and free samples of the food product.

Kroerzer does disclose a bandolier of individually wrapped food packets (read Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace William's eating utensils with food packets as taught by Kroerzer, depending on the user's preference. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Thompson's food products with free food products depending on the user's preferences as well. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to add another dispenser to Thompson's food display in order to provide for a secondary source of additional coupons, utensils, food products etc.

Conclusion

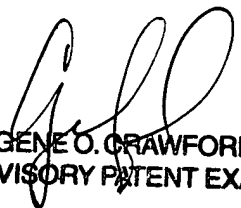
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rks



GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER